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Kris Gagnon

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EXAMINER

CRANFORD, MICHAEL D

ART UNIT

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3696

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--|--------------------------------------|--|
| Office Action Summary | Application No. 10/709,184 | Applicant(s) GAGNON ET AL. | |
| | Examiner MICHAEL D. CRANFORD | Art Unit 3696 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-7,10-14,16 and 18-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-7, 10-14, 16, 18-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04/20/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in reply to the amendment filed on 29 June 2009.
2. Claims 1, 4-7, 10-14, 16 and 18-39 are currently pending and have been examined.
3. The rejections of claims 1, 4-7, 10-14, 16 and 18-39 have been updated to reflect the amendments.

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection. However, in an effort to elucidate the applicability of the selected prior art, the Examiner has provided a riposte to the Applicant's arguments.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 5-7, 10, 12-14, 16 and 19-36, 38-39 are rejected under 35 U.S.C. 102(b) as being unpatentable over Smith (US PGP 2003/0065613 A1 – herein referred to as Smith).

6. **Claim 1:**

Smith shown, discloses the following limitations:

- *reviewing a status of at least one creditor at predetermined time intervals (see at page 5 paragraph 0126)*

- *each of the at least one creditor having an outstanding loan from an entity (see at least page 4 paragraph 0124)*
- *identifying at least one status indicator for a creditor (see at least page 1 paragraph 0003)*
- *selecting the creditor to review (see at least page 4 paragraph 0119)*
- *generating a series of inquiries with reference to the creditor (see at least page 1 paragraph 0009)*
- *series of inquires comprises a series of questions designed to elicit information related to at least one of the creditor and a status indicator (see at least page 10 paragraph 0167)*
- *presenting the inquires to a user associated with the entity (see at least page 1 paragraph 0009)*
- *determining a quantity of triggers flagged for the selected creditor based on the responses to the inquiries with reference to the creditor (see at least page 1 paragraph 0009)*
- *determining if a key risk review is necessary for the creditor in response to the quantity of flagged triggers being greater than a predetermined number (see at page 1 paragraph 0004)*
- *key risk review is determined to be necessary if the selected creditor corresponds to a predetermined loss to the entity in the event the creditor becomes bankrupt (see at page 5 paragraph 0127)*
- *conducting a key risk review in response determining that a key risk review is necessary (see at page 1 paragraph 0004)*
- *key risk review comprises reviewing actions to reduce exposure or loss (see at page 1 paragraph 0004)*

7. Claim 5:

Smith shown, discloses the following limitations:

- *determining the quantity of triggers flagged for the selected creditor is performed in response to identifying at least one status indicator for the selected creditor (see at page 1 paragraph 0007)*

8. Claim 6:

Smith shown, discloses the following limitations:

- *responding to a series of inquiries with reference to the selected creditor (see at least page 1 paragraph 0009)*

9. Claim 7:

Smith shown, discloses the following limitations:

- *responding to a series of inquiries related to at least one of a predetermined model related to the selected creditor, a market related to the selected creditor, subjective criteria related to the selected creditor, industry conditions, economic conditions, occurrence of an event affecting the selected creditor, and a behavior of the selected creditor (see at least page 1 paragraph 0009)*

10. Claim 10:

Smith shown, discloses the following limitations:

- *performing a decided action in response to the key risk review (see at least page 1 paragraph 0009)*
- *monitoring a status of the creditor (see at page 4 paragraph 0117)*

11. Claim 12:

Smith shown, discloses the following limitations:

- *electronically reviewing a status of a creditor (see at page 5 paragraph 0126)*
- *creditor has an outstanding loan from an entity (see at least page 4 paragraph 0124)*
- *electronically determining at least one status indicator is associated with the creditor (see at least page 1 paragraph 0003)*

- *electronically generating a series of inquiries (see at least page 1 paragraph 0009)*
- *electronically receiving a response from the series of inquiries with reference to the selected creditor (see at least page 1 paragraph 0009)*
- *electronically determining a quantity of triggers flagged based on responses to the series of inquiries for the a selected creditor (see at least page 1 paragraph 0009)*
- *establishing an action plan in response to the quantity of flagged triggers being greater than a predetermined number (see at page 1 paragraph 0004)*
- *conducting a key risk review in response to the creditor corresponding to a predetermined loss in the event of bankruptcy (see at page 1 paragraph 0004)*
- *performing an exposure review in response to the quantity of flagged triggers being greater than the predetermined number and a key risk review not being performed (see at page 1 paragraph 0004)*

12. Claim 13:

Smith shown, discloses the following limitations:

- *each inquiry relates to one of a predetermined model related to the selected creditor, a market associated with the selected creditor, subjective criteria associated with the selected creditor, industry conditions, economic conditions, occurrence of an event affecting the selected creditor and a behavior of the selected creditor (see at least page 1 paragraph 0009)*

13. Claim 14:

Smith shown, discloses the following limitations:

- *determining any impact of any recent event on the creditor (see at least page 1 paragraph 0007)*
- *determining a nature or demeanor of the creditor's management (see at least page 5 paragraph 0130)*

14. Claim 16:

Smith shown, discloses the following limitations:

- *performing a decided action in response to the key risk review* (see at page 1 paragraph 0004)
- *monitoring a status of the creditor* (see at page 4 paragraph 0117)

15. Claim 19:

Smith shown, discloses the following limitations:

- *monitoring the selected creditor in response to the quantity of flagged triggers being greater than the predetermined number* (see at page 4 paragraph 0117)

16. Claim 20:

Smith shown, discloses the following limitations:

- *central processing unit* (see at least FIG. 1)
- *at least one trigger* (see at least page 1 paragraph 0009)
- *credit action trigger program operable on the central processing unit processor* (see at least page 1 paragraph 0009)
- *review a status of a creditor* (see at least page 5 paragraph 0126)
- *creditor has an outstanding loan from an entity* (see at least page 4 paragraph 0124)
- *determine at least one status indicator is associated with the creditor* (see at page 5 paragraph 0126)
- *generate a series of inquiries* (see at least page 1 paragraph 0009)
- *receive a response from the series of inquiries with reference to the selected creditor* (see at page 1 paragraph 0004)

- *determine a quantity of the at least one trigger being flagged based on responses to the series of inquiries for the a selected creditor (see at least page 1 paragraph 0009)*
- *conduct a key risk review in response to the creditor corresponding to a predetermined loss in the event of bankruptcy (see at page 1 paragraph 0004)*
- *perform an exposure review in response to the quantity of flagged triggers being greater than the predetermined number and a key risk review not being performed (see at page 1 paragraph 0004)*

17. Claim 21:

Smith shown, discloses the following limitations:

- *inquiry including a predetermined model related to the selected creditor (see at least page 1 paragraph 0009)*
- *inquiry related to a market of the selected creditor (see at least page 1 paragraph 0009)*
- *inquiry including subjective criteria related to the selected creditor (see at least page 1 paragraph 0009)*
- *inquiry related to industry conditions in which the selected creditor does business (see at least page 1 paragraph 0009)*
- *inquiry related to economic conditions (see at least page 1 paragraph 0009)*
- *inquiry related to an impact of any events affecting the creditor (see at least page 1 paragraph 0007)*
- *inquiry related to a behavior of the selected creditor (see at least page 5 paragraph 0130)*

18. Claim 22:

Smith shown, discloses the following limitations:

- *determining any impact of any recent event on the creditor* (see at least page 1 paragraph 0007)
- *determining a nature or demeanor of the creditor's management* (see at least page 5 paragraph 0130)

19. Claim 23:

Smith shown, discloses the following limitations:

- *input device for a user to respond to the series of inquiries* (see at least page 7 paragraph 0147)

20. Claim 24:

Smith shown, discloses the following limitations:

- *memory system to store the credit action trigger program and the inquiries* (see at least page 1 paragraph 0006)

21. Claim 25:

Smith shown, discloses the following limitations:

- *output device to present the series of inquiries to a user* (see at least Claim 1)

22. Claim 26:

Smith shown, discloses the following limitations:

- *least one other processor for users to access the credit action trigger program* (see at least FIG. 1)

23. Claim 27:

Smith shown, discloses the following limitations:

- *browser operable on the at least one other processor to access the credit action trigger program* (see at least page 7 paragraph 0140)

24. Claim 28:

Smith shown, discloses the following limitations:

- *providing a central processing unit* (see at least FIG. 1)
- *providing at least one trigger* (see at least page 1 paragraph 0009)

- *providing a credit action trigger program operable on the central processing unit (see at least FIG. 1)*
- *review a status of a creditor (see at least page 5 paragraph 0126)*
- *creditor has an outstanding loan from an entity (see at least page 4 paragraph 0124)*
- *determine at least one status indicator is associated with the creditor (see at page 5 paragraph 0126)*
- *generate a series of inquiries (see at least page 1 paragraph 0009)*
- *receive a response from the series of inquiries with reference to the selected creditor (see at least page 1 paragraph 0009)*
- *determine a quantity of the at least one trigger being flagged based on responses to the series of inquiries for the a selected creditor (see at least page 1 paragraph 0009)*
- *conduct a key risk review in response to the creditor corresponding to a predetermined loss in the event of bankruptcy (see at page 1 paragraph 0004)*
- *perform an exposure review in response to the quantity of flagged triggers being greater than the predetermined number and a key risk review not being performed (see at page 1 paragraph 0004)*

25. Claim 29:

Smith shown, discloses the following limitations:

- *inquiry including a predetermined model related to the selected creditor (see at least page 1 paragraph 0009)*
- *inquiry related to a market of the selected creditor (see at least page 1 paragraph 0009)*
- *inquiry including subjective criteria related to the selected creditor (see at least page 1 paragraph 0009)*

- *inquiry related to industry conditions in which the selected creditor does business* (see at least page 1 paragraph 0009)
- *inquiry related to economic conditions* (see at least page 1 paragraph 0009)
- *inquiry related to an impact of any events affecting the creditor* (see at least page 1 paragraph 0009)
- *inquiry related to a behavior of the selected creditor* (see at least page 1 paragraph 0009)

26. Claim 30:

Smith shown, discloses the following limitations:

- *providing means for determining any impact of any recent event on the selected creditor* (see at least page 1 paragraph 0007)
- *providing means for determining a nature or demeanor of the selected creditor's management* (see at least page 5 paragraph 0130)

27. Claim 31:

Smith shown, discloses the following limitations:

- *providing an output device to present the series of inquiries to a user* (see at least Claim 1)

28. Claim 32:

Smith shown, discloses the following limitations:

- *input device for a user to respond to the series of inquiries* (see at least page 7 paragraph 0147)

29. Claim 33:

Smith shown, discloses the following limitations:

- *providing a memory system to store the credit action trigger program and the inquiries* (see at least page 1 paragraph 0006)

30. Claim 34:

Smith shown, discloses the following limitations:

- *reviewing a status of at least one creditor at predetermined time intervals (see at least page 5 paragraph 0126)*
- *creditor having an outstanding loan from an entity (see at least page 4 paragraph 0124)*
- *identifying at least one status indicator for a creditor (see at page 5 paragraph 0126)*
- *selecting the creditor to review (see at least page 5 paragraph 0126)*
- *generating a series of inquiries with reference to the creditor (see at least page 1 paragraph 0009)*
- *determining a quantity of triggers flagged based on the responses to the series of inquiries for a selected creditor (see at least page 1 paragraph 0009)*
- *establishing an action plan in response to the quantity of flagged triggers being greater than a predetermined number (see at page 1 paragraph 0004)*

31. Claim 35:

Smith shown, discloses the following limitations:

- *each inquiry relates to one of a predetermined model related to the selected creditor, a market associated with the selected creditor, subjective criteria associated with the selected creditor, industry conditions, economic conditions, occurrence of an event affecting the selected creditor and a behavior of the selected creditor (see at least page 1 paragraph 0009)*

32. Claim 36:

Smith shown, discloses the following limitations:

- *determining any impact of any recent event on the creditor (see at least page 1 paragraph 0007)*
- *determining a nature or demeanor of the creditor's management (see at least page 5 paragraph 0130)*

33. Claim 38:

Smith shown, discloses the following limitations:

- *monitoring the selected creditor in response to the quantity of flagged triggers being equal to the predetermined number (see at page 4 paragraph 0117)*

34. Claim 39:

Smith shown, discloses the following limitations:

- *determining any impact of any recent event on the creditor (see at least page 1 paragraph 0007)*
- *determining a nature or demeanor of the creditor's management (see at least page 5 paragraph 0130)*

Claim Rejections - 35 USC § 103

35. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

36. Claims 4, 11, 18, and 37 are rejected under 35 U.S.C. 103(a) as being obvious over Smith (US PGP 2003/0065613 A1 – herein referred to as Smith) in view of Financial Adviser.

37. Claim 4:

Smith does not expressly disclose ***taking no action in response to not identifying any status indicators for the creditor.***

In a similar field of endeavor, Financial Adviser discloses they could do nothing and accept that the fund will be subject to currency fluctuations (Financial Adviser, see at least March 25, 2004).

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Therefore, the ordinary practitioner of the art at the time of the invention would have found it obvious to combine the above selected teachings of Smith and Financial Adviser with the practitioner's own knowledge in order to disclose ***taking no action in response to not identifying any status indicators for the creditor***, motivated by Smith's software for financial institution monitoring and management because this provides a way to analyze creditor performance (Smith, [0003]).

38. **Claim 11:**

Smith does not expressly disclose ***exposure review in response to the quantity of flagged triggers being greater than the predetermined number and a key risk review not being performed***.

In a similar field of endeavor, Financial Adviser discloses they could do nothing and accept that the fund will be subject to currency fluctuations (Financial Adviser, see at least March 25, 2004).

Therefore, the ordinary practitioner of the art at the time of the invention would have found it obvious to combine the above selected teachings of Smith and Financial Adviser with the practitioner's own knowledge in order to disclose ***exposure review in response to the quantity of flagged triggers being greater than the predetermined number and a key risk review not being performed***, motivated by Smith's software for financial institution monitoring and management because this provides a way to analyze creditor performance (Smith, [0003]).

39. **Claim 18:**

Smith does not expressly disclose ***taking no action in response to the quantity of flagged triggers being less than a predetermined number***.

In a similar field of endeavor, Financial Adviser discloses they could do nothing and accept that the fund will be subject to currency fluctuations (Financial Adviser, see at least March 25, 2004).

Therefore, the ordinary practitioner of the art at the time of the invention would have found it obvious to combine the above selected teachings of Smith and Financial Adviser with the practitioner's own knowledge in order to disclose ***taking no action in response to the quantity of flagged triggers being less than a predetermined number***, motivated by Smith's software

for financial institution monitoring and management because this provides a way to analyze creditor performance (Smith, [0003]).

40. Claim 37:

Smith does not expressly disclose ***taking no action in response to the quantity of flagged triggers being less than a predetermined number.***

In a similar field of endeavor, Financial Adviser discloses they could do nothing and accept that the fund will be subject to currency fluctuations (Financial Adviser, see at least March 25, 2004).

Therefore, the ordinary practitioner of the art at the time of the invention would have found it obvious to combine the above selected teachings of Smith and Financial Adviser with the practitioner's own knowledge in order to disclose ***taking no action in response to the quantity of flagged triggers being less than a predetermined number***, motivated by Smith's software for financial institution monitoring and management because this provides a way to analyze creditor performance (Smith, [0003]).

41. Claims 14, 22, 30, 36 and 39 are rejected under 35 U.S.C. 103(a) as being obvious over Smith (US PGP 2003/0065613 A1 – herein referred to as Smith) in view of Lange et al. (US PGP 2002/0147670 A1 – herein referred to as Lange).

42. Claim 14:

Smith does not expressly disclose ***determining any change in a Standard and Poor's (S&P) bond rating for the selected creditor by a predetermined number of grades; determining any change in a Moody's rating for the selected creditor by a predetermined number of grades; determining any change in a credit default swap spread for the selected creditor by a predetermined number of basis points in a predetermined time period; determining any change in a bond spread for the selected creditor by a predetermined number of basis points in a predetermined time period; determining if the creditor has a broken or defective business model; determining if the creditor's industry is experiencing any downturn.***

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In a similar field of endeavor, Lange does disclose **groups of DBAR contingent claims can also be construed on credit events, such as the event that one of the major credit agencies (e.g., Standard and Poor's, Moody's) changes for the rating for some or all of a corporation's outstanding securities** (Lange, see at least page 32 paragraph 0426).

Therefore, the ordinary practitioner of the art at the time of the invention would have found it obvious to combine the above selected teachings of Smith and Lange with the practitioner's own knowledge in order to disclose ***determining any change in a Standard and Poor's (S&P) bond rating for the selected creditor by a predetermined number of grades; determining any change in a Moody's rating for the selected creditor by a predetermined number of grades; determining any change in a credit default swap spread for the selected creditor by a predetermined number of basis points in a predetermined time period; determining any change in a bond spread for the selected creditor by a predetermined number of basis points in a predetermined time period; determining if the creditor has a broken or defective business model; determining if the creditor's industry is experiencing any downturn***, motivated by software for financial institution monitoring and management (Smith, [0002]).

43. **Claim 22:**

Smith does not expressly disclose ***determining any change in a Standard and Poor's (S&P) bond rating for the selected creditor by a predetermined number of grades; determining any change in a Moody's rating for the selected creditor by a predetermined number of grades; determining any change in a credit default swap spread for the selected creditor by a predetermined number of basis points in a predetermined time period; determining any change in a bond spread for the selected creditor by a predetermined number of basis points in a predetermined time period; determining if the creditor has a broken or defective business model; determining if the creditor's industry is experiencing any downturn***.

In a similar field of endeavor, Lange does disclose **groups of DBAR contingent claims can also be construed on credit events, such as the event that one of the major credit agencies (e.g., Standard and Poor's, Moody's) changes for the rating for some or all of a corporation's outstanding securities** (Lange, see at least page 32 paragraph 0426).

Therefore, the ordinary practitioner of the art at the time of the invention would have found it obvious to combine the above selected teachings of Smith and Lange with the practitioner's own knowledge in order to disclose ***determining any change in a Standard and Poor's (S&P) bond rating for the selected creditor by a predetermined number of grades; determining any change in a Moody's rating for the selected creditor by a predetermined number of grades; determining any change in a credit default swap spread for the selected creditor by a predetermined number of basis points in a predetermined time period; determining any change in a bond spread for the selected creditor by a predetermined number of basis points in a predetermined time period; determining if the creditor has a broken or defective business model; determining if the creditor's industry is experiencing any downturn***, motivated by software for financial institution monitoring and management (Smith, [0002]).

44. Claim 30:

Smith does not expressly disclose ***providing means to determine any change in a Standard and Poor's (S&P) bond rating for the selected creditor by a predetermined number of grades; providing means to determine any change in a Moody's rating for the selected creditor by a predetermined number of grades; providing means to determine any change in a credit default swap spread for the selected creditor by a predetermined number of basis points in a predetermined time period; providing means to determine any change in a bond spread for the selected creditor by a predetermined number of basis points in a predetermined time period; providing means to determine a broken or defective business model; providing means to determine if an industry of the selected creditor is experiencing any downturn***.

In a similar field of endeavor, Lange does disclose **groups of DBAR contingent claims can also be construed on credit events, such as the event that one of the major credit agencies (e.g., Standard and Poor's, Moody's) changes for the rating for some or all of a corporation's outstanding securities** (Lange, see at least page 32 paragraph 0426).

Therefore, the ordinary practitioner of the art at the time of the invention would have found it obvious to combine the above selected teachings of Smith and Lange with the practitioner's own knowledge in order to disclose *providing means to determine any change in a Standard and Poor's (S&P) bond rating for the selected creditor by a predetermined number of grades; providing means to determine any change in a Moody's rating for the selected creditor by a predetermined number of grades; providing means to determine any change in a credit default swap spread for the selected creditor by a predetermined number of basis points in a predetermined time period; providing means to determine any change in a bond spread for the selected creditor by a predetermined number of basis points in a predetermined time period; providing means to determine a broken or defective business model; providing means to determine if an industry of the selected creditor is experiencing any downturn*, motivated by software for financial institution monitoring and management (Smith, [0002]).

45. **Claim 36:**

Smith does not expressly disclose *determining any change in a Standard and Poor's (S&P) bond rating for the selected creditor by a predetermined number of grades; determining any change in a Moody's rating for the selected creditor by a predetermined number of grades; determining any change in a credit default swap spread for the selected creditor by a predetermined number of basis points in a predetermined time period; determining any change in a bond spread for the selected creditor by a predetermined number of basis points in a predetermined time period; determining if the creditor has a broken or defective business model; determining if the creditor's industry is experiencing any downturn*.

In a similar field of endeavor, Lange does disclose **groups of DBAR contingent claims can also be construed on credit events, such as the event that one of the major credit agencies (e.g., Standard and Poor's, Moody's) changes for the rating for some or all of a corporation's outstanding securities** (Lange, see at least page 32 paragraph 0426).

Therefore, the ordinary practitioner of the art at the time of the invention would have found it obvious to combine the above selected teachings of Smith and Lange with the practitioner's own knowledge in order to disclose ***determining any change in a Standard and Poor's (S&P) bond rating for the selected creditor by a predetermined number of grades; determining any change in a Moody's rating for the selected creditor by a predetermined number of grades; determining any change in a credit default swap spread for the selected creditor by a predetermined number of basis points in a predetermined time period; determining any change in a bond spread for the selected creditor by a predetermined number of basis points in a predetermined time period; determining if the creditor has a broken or defective business model; determining if the creditor's industry is experiencing any downturn***, motivated by software for financial institution monitoring and management (Smith, [0002]).

46. Claim 39:

Smith does not expressly disclose ***determining any change in a Standard and Poor's (S&P) bond rating for the selected creditor by a predetermined number of grades; determining any change in a Moody's rating for the selected creditor by a predetermined number of grades; determining any change in a credit default swap spread for the selected creditor by a predetermined number of basis points in a predetermined time period; determining any change in a bond spread for the selected creditor by a predetermined number of basis points in a predetermined time period; determining if the creditor has a broken or defective business model; determining if the creditor's industry is experiencing any downturn***.

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In a similar field of endeavor, Lange does disclose **groups of DBAR contingent claims can also be construed on credit events, such as the event that one of the major credit agencies (e.g., Standard and Poor's, Moody's) changes for the rating for some or all of a corporation's outstanding securities** (Lange, see at least page 32 paragraph 0426).

Therefore, the ordinary practitioner of the art at the time of the invention would have found it obvious to combine the above selected teachings of Smith and Lange with the practitioner's own knowledge in order to disclose ***determining any change in a Standard and Poor's (S&P) bond rating for the selected creditor by a predetermined number of grades; determining any change in a Moody's rating for the selected creditor by a predetermined number of grades; determining any change in a credit default swap spread for the selected creditor by a predetermined number of basis points in a predetermined time period; determining any change in a bond spread for the selected creditor by a predetermined number of basis points in a predetermined time period; determining if the creditor has a broken or defective business model; determining if the creditor's industry is experiencing any downturn***, motivated by software for financial institution monitoring and management (Smith, [0002]).

CONCLUSION

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Michael D. Cranford** whose telephone number is **571-270-3106**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Hani Kazimi** can be reached at **571-272-6745**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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